

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHERYL JOHNSON NEMES

Plaintiff

vs.

BENJAMIN F. PARKS

Defendant

CIVIL ACTION NO. 07-4514 JSW

DECLARATION OF DENNIS V. FORD
COURT CASE PREPARATION AND REVIEW BRANCH 1
OFFICE OF DISABILITY ADJUDICATION AND REVIEW
SOCIAL SECURITY ADMINISTRATION

I, DENNIS V. FORD, Acting Chief of Court Case Preparation and Review Branch 1 of the Office of Appellate Operations, Office of Disability Adjudication and Review, Social Security Administration, declare and state as follows:

(1) Under direct delegation from the Commissioner of Social Security, the Office of Disability Adjudication and Review administers a nationwide hearings and appeals program. The Office of Disability Adjudication and Review includes the Appeals Council and Administrative Law Judges who hold hearings on claims arising under Title XVI of the Social Security Act, as amended, when such hearing is duly requested by a claimant who is dissatisfied with the

CHERYL JOHNSON NEMES

Page 2 of 3

administrative determination of a claim. The Office of Appellate Operations provides professional and technical advice to the Deputy Commissioner and Administrative Appeals Judges of the Appeals Council in the processing of cases in which a civil action has been filed.

(2) One function of the Appeals Council is to act on requests for review of hearing decisions made by Administrative Law Judges and to either grant, deny or dismiss any such request. Under the regulations of the Social Security Administration, if the Appeals Council denies a timely request for review of a hearing decision, that hearing decision becomes the "final decision" within the meaning of, and subject to, the provisions for judicial review in section 205(g) of the Social Security Act, as amended (42 U.S.C. section 405(g)), the first sentence of which reads as follows:

"Any individual, after any final decision of the Commissioner made after a hearing to which he was a party, irrespective of the amount in controversy, may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Commissioner may allow.***"

(3) I am responsible for the processing of claims under Title XVI of the Social Security Act, as amended, whenever a civil action has been filed in the State of California. The official file maintained by the Office of Disability Adjudication and Review relating to the claim of the plaintiff, CHERYL JOHNSON NEMES, under Title XVI of the Social Security Act, is presently within my custody and has been examined under my supervision. To the best of my knowledge and belief said file shows that:

(a) On July 19, 2007, Administrative Law Judge Parks issued an unfavorable decision (Exhibit 1).

(b) On August 23, 2007, the plaintiff filed a request for review with the

CHERYL JOHNSON NEMES

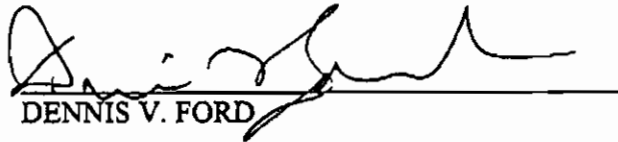
Page 3 of 3

Appeals Council of that decision. The Appeals Council has not yet acted on the plaintiff's request for review.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

SEP - 7 2007

Date


DENNIS V. FORD